

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

909B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 26, 2014

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No. : CV12-03720 [MCPETERSI]
Subject Property: 30885 Red Mountain Road, Hemet; APN: 569-140-006
District: 3/3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV12-03720 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV12-03720; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-03720.

BACKGROUND:

Summary

On February 25, 2014, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the substandard structures (shed & accessory structure) and accumulated rubbish on the subject property to be a public nuisance.

(Continued)

PATRICIA MUNROE
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Positions Added ☐ Change Order ☐
A-30 ☐ 4/5 Vote ☐

Prev. Agn. Ref.: 02/25/14; 9.3

District: 3/3

Agenda Number:

2-7

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Order to Abate [Substandard Structures & Accumulated Rubbish]

Case No. : CV12-03720 [MCPETERSI]

Subject Property: 30885 Red Mountain Road, Hemet; APN: 569-140-006

District: 3/3 [\$0.00]

DATE: March 26, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)
5

6 WHEN RECORDED PLEASE MAIL TO:
7 Michelle Cervantes, Code Enforcement Officer
8 Regina Keyes, Senior Code Enforcement Officer
9 CODE ENFORCEMENT DEPARTMENT
10 4080 Lemon Street, Twelfth Floor (Stop #1012)
11 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 12-03720
[SUBSTANDARD STRUCTURES AND)	
ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 569-140-006, 30885 RED MOUNTAIN)	CONCLUSIONS AND ORDER TO
ROAD, HEMET, RIVERSIDE COUNTY,)	ABATE NUISANCE
CALIFORNIA; BOYCE W. AND SANDRA G.)	
MC PETERS,)	R.C.O. Nos. 457, 541 and 725
)	
OWNERS.)	

17 The above-captioned matter came on regularly for hearing on February 25, 2014, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 30885 Red Mountain Road, Hemet, Riverside, Assessor's Parcel Number 569-
21 140-006 and referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owners did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public
28 nuisance.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Boyce W. and Sandra G. Mc Peters ("OWNERS").

4 2. Documents of title indicate that no other parties may potentially hold a legal interest
5 in THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on June 5, 2012, and
7 on six (6) other occasions, the last being October 30, 2013.

8 4. During each inspection, two (2) substandard structures (shed and accessory structure)
9 were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated
10 and vacant. The structures contained numerous deficiencies, including but not limited to: faulty
11 weather protection; general dilapidation or improper maintenance; fire hazard; public and attractive
12 nuisance – abandoned/vacant.

13 5. During each inspection an accumulation of rubbish was observed throughout THE
14 PROPERTY consisting of but not limited to: scrap metal, scrap wood, household items, trash,
15 furniture, tires, scrap wood structure, and windows.

16 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 Nos. 457 and 541 by the Code Enforcement Officer.

18 7. A Notice of Pendency of Administrative Proceedings was recorded on January 30,
19 2013, as Document Number 2013-0052475 in the Office of the County Recorder, County of
20 Riverside.

21 8. On June 25, 2012, Notice of Violation, Notice of Defects, a "Danger Do Not Enter"
22 and a "Do Not Dump" sign were posted on THE PROPERTY. On June 26, 2012, June 10, 2013,
23 November 5, 2013 and November 7, 2013, Notices of Violation for the substandard structures and
24 accumulation of rubbish were mailed to OWNERS by first class mail. On June 10, 2013, a Notice of
25 Violation for the substandard structures and accumulation of rubbish was mailed to OWNERS by
26 certified mail, return receipt requested.

27 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
28 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNERS and

1 was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on February 25, 2014, finds and concludes that:

5 1. WHEREAS, the substandard structures (shed and accessory structure) and
6 accumulation of rubbish on the real property located at 30885 Red Mountain Road, Hemet, Riverside
7 County, California, also identified as Assessor's Parcel Number 569-140-006 violates Riverside
8 County Ordinance Nos. 457 and 541 and constitutes a public nuisance.

9 2. WHEREAS, the OWNERS, occupants and any person having possession or control of
10 THE PROPERTY shall abate the substandard structures conditions by razing, removing and
11 disposing of the substandard structures, including the removal and disposal of all structural debris
12 and materials, and contents therein or by reconstruction and rehabilitation of said structures
13 provided that said reconstruction or demolition can be accomplished in strict accordance with all
14 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
15 within ninety (90) days.

16 3. WHEREAS, the OWNERS, occupants and any other person having possession or
17 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of
18 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
19 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

20 4. WHEREAS, the OWNERS ARE HEREBY FURTHER NOTICED that the time
21 within which judicial review of the administrative determinations made herein must be sought is
22 ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To
23 Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structures (shed and accessory
26 structure) on THE PROPERTY be abated by the OWNERS, Boyce W. and Sandra G. Mc Peters, or
27 anyone having possession or control of THE PROPERTY, by razing and removing the substandard
28 structures including the removal and disposal of all structural debris and materials, as well as the

1 contents therein, or by reconstruction and rehabilitation of said structures provided such
2 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County
3 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
4 days of the posting and mailing of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
6 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
7 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
8 days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
9 therein, and structural debris and materials, may be abated by representatives of the Riverside County
10 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
11 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
12 PROPERTY.

13 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of
14 asbestos containing materials in said structures by survey and materials sample testing by a duly
15 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
16 the removal of all asbestos containing materials discovered through such survey and testing by
17 contract with a duly certified and licensed contractor for the handling of such materials to avoid
18 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

19 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
20 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
21 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
22 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
23 days of the date of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
26 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
27 accumulation of rubbish may be abated by representatives of the Riverside County Code
28 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's

1 consent or a Court Order when necessary under applicable law.

2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
5 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
6 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
7 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
8 collection and administrative costs, attorneys fees, and the costs associated with the removal or
9 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from the OWNERS even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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4 Dated: _____

COUNTY OF RIVERSIDE

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By _____
Jeff Stone
Chairman, Board of Supervisors

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ATTEST:

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KECIA HARPER-IHEM

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Clerk to the Board

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By

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Deputy

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(SEAL)

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